

ARIZONA'S CITIZEN REVIEW PANEL FIFTH ANNUAL REPORT

December 2003

Program Background and Purpose

Arizona's Citizen Review Panel Program was established in response to the 1996 amendment to the Child Abuse Prevention and Treatment Act (CAPTA) requiring states to develop and establish Citizen Review Panels as oversight to the states' child protective services systems. The purpose of the Citizen Review Panel is to develop recommendations for improvement of Child Protective Services through independent, unbiased reviews by panels composed of citizens, social service, legal, medical, education, and mental health professionals in Arizona. The creation of the Citizen Review Panel is an acknowledgment that protection of our children is the responsibility of the entire community, not a single agency. As such, the child protection system is the interaction of numerous agencies and individuals. While the primary focus of oversight is the Arizona Department of Economic Security/Division of Children, Youth and Families (ADES/DCYF), the Citizen Review Panel takes into consideration the impact of these other entities and assess whether they support or hinder the state's efforts to protect children from abuse and neglect. The entire community has a stake in protecting the safety of its children.

Program Structure

The Arizona Department of Health Services (ADHS), through an interagency service agreement with ADES, administers Arizona's Citizen Review Panel Program. During the program's planning stages, it was determined that location of this program outside of ADES would be critical to achieve the independence necessary for an effective, objective program. The Citizen Review Panel Program Manager provides administrative support and oversees the operation of the program at the state level.

Arizona maintains three panels, which are located in Maricopa, Pima, and Yavapai counties. These panels provide coverage of all counties in Arizona. Panels are required to meet at least once a quarter and are responsible for review of Child Protective Services' statewide policies, local procedures, pertinent data sources, and individual case records to determine compliance with CAPTA requirements and the State Plan. The State Citizen Review Panel, located in Maricopa County, serves a dual purpose of assessment of Child Protective Services and oversight of the two local panels located in Pima County and Yavapai County.

Update On Recommendations From 2002 Report

The following are review findings and recommendations for improvement in the Child Protective Services system identified in last year's report and the responses from ADES/DCYF:

Finding/Recommendation: The Panel concluded that the two classifications of investigative findings, substantiated or unsubstantiated, were inadequate. Members were concerned that, regardless of evidence that the child was abused, the inability to identify a specific perpetrator resulted in an unsubstantiated finding.

The Panel recommended adding a third option of "unable to investigate" or "unable to locate" to be used when an investigation cannot be completed due to the inability to locate the family. The Panel further recommended adding a finding on all investigations, specific to the abuse or neglect of the child, which is not dependent upon the identification of a specific perpetrator.

Response: ADES/DCYF responded that they agreed with this recommendation. Policies related to reports on families whose whereabouts are unknown, and reports of abuse and neglect by an unidentified perpetrator have been finalized and implemented. On April 30, 2003, the Governor signed HB2133 requiring these additional investigation findings.

Finding/Recommendation: The Panel concluded that the standards for substantiation were inconsistently applied. The Panel recommended that ADES/DCYF implement a process to systematically review unsubstantiated findings.

Response: ADES/DCYF agreed with this recommendation and agreed to review the processes in place to review investigation findings. ADES/DCYF further responded that policy requires supervisory review of all cases prior to closure and documentation of approval of the investigative finding. Peer Record Review began a process of record review in 2001.

Finding/Recommendation: The Panel found in several of the cases reviewed, the documentation was poor. The Panel recommended specific strategies for improvement in critical documentation.

Response: ADES/DCYF agreed to continue to use supervisory and Peer Record Reviews to identify areas needing improvement and provide feedback to staff. ADES/DCYF responded they were in the process of developing instructions to staff on documentation, and would review tools used for clinical supervision. ADES/DCYF further responded that a work reduction group had developed recommendations to reduce duplicative activities. The recommendation for training on preparation of succinct relevant case notes was referred to the Training Manager to explore the need for curriculum development. Policy tips regarding documentation were distributed in November 2002 and August 2003. No funding was available to establish more positions to assist case managers with obtaining records from outside agencies.

Finding/Recommendation: The Panel noted that in some cases reviewed, the frequency of in-home contacts was inadequate for the situation. The frequency of personal contacts with the family required by policy should reflect the family's risk factors.

Response: ADES/DCYF responded that policy requires face-to-face contact at least once a month, except with supervisory approval. The frequency of face-to-face contact is to address risk factors included in the case plan. ADES/DCYF was also working with National Resource Centers to develop a comprehensive family assessment and decision-making assessment, with the expected completion date of January 2004.

Finding/Recommendation: Records reviewed supported the need for policy, guidelines and training on substance-exposed newborns, which was developed in 2002.

Response: Policy and training on substance-exposed newborns was fully implemented in 2002. In March 2003, the Child Welfare Training Institute added an additional drug component to the training curriculum on substance abuse.

Finding/Recommendation: Interagency investigative protocols should include instructions to law enforcement to file a report with Child Protective Services when they have responded to a domestic violence incident, in which there was a child present in the home.

Response: ADES/DCYF agreed that children who witness domestic violence require multi-system interventions. ADES/DCYF agreed to provide this recommendation to the Hotline and District Program Managers in August 2003, requesting they discuss this issue with persons involved in the development of the interagency protocols.

Panel Activities For Reporting Period December 2002 Through November 2003

Case Record Reviews:

The focus of case record reviews continued to be reports of fatalities and near fatalities due to maltreatment, and other high-risk reports of maltreatment. Records reviewed included maltreatment reports investigated by Child Protective Services after July 2002.

The number of records reviewed increased from 23 cases in the prior reporting period to 34 cases. Of these 34 cases, the State Citizen Review Panel completed nine record reviews, the Pima County Citizen Review Panel completed nine record reviews, and the Yavapai County Citizen Review Panel completed 16 record reviews.

Meetings:

Each Panel met on a more frequent basis than the quarterly requirement. The Pima County Citizen Review Panel met on eight occasions. The Yavapai County Citizen Review Panel met on eleven occasions. The State Citizen Review Panel met on nine occasions.

Case Record Review Findings

Case record reviews consisted of the assessment of specific activities by Child Protective Services during their involvement with the families. These stages included Intake/Screening, Investigation, Crisis Intervention, Investigative Finding/Determination, Case Plan Implementation, and Case Closure. In addition to the agency activities, the Panel explored community involvement with each case. An established form was completed in each record review and the results were maintained in a database.

The Intake/Screening Stage involves activities performed by the Child Protective Services Child Abuse Hotline. Activities include gathering enough information to determine if a report of suspected child maltreatment requires investigation or assessment by Child Protective Services or Family Builders, the severity of the allegation, and how quickly an initial response must be made to ensure the safety of the child victim.

In records reviewed, the Panels determined that in the majority of records reviewed, activities within this stage of involvement were adequate and timely.

The Investigation Stage involves gathering enough information to assess the child's immediate safety needs and to determine whether a reported or disclosed incident of maltreatment occurred.

Panels determined that the majority of records reviewed revealed appropriate activities within this stage. Panels concluded that investigative case managers, on eight investigations reviewed, deserved commendations for their exceptional work. Concerns expressed by Panel members included the lack of timely psychological evaluations, the lack of privacy for children during interviews, lack of interviews of all household members, and the lack of appropriate medical assessments.

The Crisis Intervention Stage involves assuring the safety of the child, including the decision of whether the child could safely remain in the home or if emergency removal was necessary.

During this reporting period, ADES/DCYF implemented the new safety assessment protocol. Investigations completed after the implementation of the safety assessment reflected higher quality of activities within this stage. Problems with this stage, occurring prior to the safety assessment protocol, included failure to adequately assess safety or develop an adequate safety plan.

The Investigative Finding/Determination Stage refers to the process of classifying a report as substantiated or unsubstantiated based on information collected and analyzed during investigation.

Panels found that activities in this stage were adequate and that they agreed with the findings more often in recent reports, than in reports made prior to January 2003.

The Case Planning/Implementation Stage refers to activities by Child Protective Services to ensure families receive timely, appropriate services designed to address the reasons children entered the child protective service system. The plan should reduce the risk to the children and enhance the family's functioning. The plan should be based on an accurate family assessment, individualized to the family's circumstances, and modified as the family's circumstances change.

Twenty of the 34 cases reviewed were opened for services beyond the investigation. In eight of these cases, Panel members commented that the case planning activities were exceptionally well done. In three cases there were concerns noted, which primarily involved failure to adequately identify and address needs of the families.

The Case Closure Stage should occur when the issues that led to the family's involvement with the child protective service system, or subsequent issues identified by the agency during its involvement with the family, are resolved or significantly improved, or permanency has been achieved.

Fourteen records reviewed were closed to Child Protective Services at the time of the review. In five of these cases, Panels felt that identified risks were not sufficiently resolved and were not in agreement with the decision to close the cases.

Family Risk Factors

Panels identified family risk factors in each review. Cases reviewed revealed the most frequent categories of risk factors included lack of parenting skills, substance abuse by parent(s), and lack of anger control.

The following is a list of identified risk factors and the number of cases in each category:

- Lack of parenting skills - 28
- Substance abuse – 22
- Lack of anger control - 18
- Lack of motivation to provide a safe environment- 14
- Domestic violence – 14
- Mental health issues – 14
- Lack of resources - 13
- Physical/mental disability of parent - 12
- Prior removals of children –7

- Teen parent - 6
- Parental violence outside home - 5
- Prior deaths of children – 3

Recommendations

Panel members carefully considered the findings and recommendations from each of the 34 cases reviewed in their development of recommendations for improvement in the state's efforts to protect children from maltreatment. The following summarize the most critical recommendations from the reviews:

- Investigative interviews:

During the course of an investigation by Child Protective Services, the investigative case manager should assess all children in the household to determine if there is any indication of maltreatment. If maltreatment is suspected, a medical professional should further evaluate the child.

During the course of an investigation, a child should always be interviewed away from his or her parents. Child advocacy centers should be considered during an investigation, in which the home environment does not permit adequate privacy for interviews.

- Investigative medical assessments:

Guidelines should be established on when a medical professional should see a child for whom there are suspicions of physical abuse, medical neglect, failure to thrive, and or developmental delay.

The case manager should coordinate medical evaluations and communicate closely with the medical professional.

Child Protective Services staff should have readily available medical professionals with expertise in child maltreatment to serve as consultants on investigative questions or concerns regarding medical evaluations.

- Other investigation issues:

Child Protective Services should not be required by the courts to investigate cases in which there are no allegations of maltreatment. Such investigations take away valuable time needed to investigate allegations of maltreatment.

Child Protective Services investigative case managers should have the ability to investigate reports as a team, rather than individually. It is the Panel's opinion that the

quality of investigations and safety of the case managers would improve with this team approach.

Child Protective Services and law enforcement should have timely access to the other agency when a joint investigation or immediate assistance is required.

Information should be provided to case managers on the unexplained infant death investigative protocol used by law enforcement. Case managers should be encouraged to request the infant death checklist from law enforcement.

When Family Preservation or Family Builders are unable to sufficiently resolve risk factors due to parents' refusal to participate or parents' inability to benefit from services, Child Protective Services should reassess the safety of the children. If safety concerns exist, a dependency petition (in-home or out-of-home) should be considered.

- Case planning activities:

ADES/DCYF should explore their policy regarding guardianship, to reduce risks associated with revocation of guardianship by the parent and failure to file or complete the guardianship process.

Concerns regarding the education of a child that arise during the course of an investigation should be referred to the school district enrollment officer.

The use of multidisciplinary teams should be encouraged for chronic, difficult cases and during investigations, in which there are numerous prior reports.

Child Protective Services case managers should be encouraged to elevate disagreements with their immediate supervisor on case decisions.

Citizen Review Panel Objectives for 2004

Arizona's Citizen Review Panels have identified the following objectives for the next reporting period:

- Panels will continue to review fatalities, near fatalities of children due to maltreatment and other high-risk reports of maltreatment.
- The Citizen Review Panel will continue to collect and analyze data on all case record reviews.
- Panel members and staff will continue to participate in initiatives to improve the child protection system in Arizona.

- The Citizen Review Panel will develop and implement a plan to comply with new responsibilities required by Child Abuse Prevention and Treatment Act, 2003 Amendments. Additional responsibilities include providing for public outreach for comments on Child Protective Services and reviewing Child Protective Services “practices”, as well as policies and procedures.

Conclusions

Citizen Review Panel members have continued to demonstrate their commitment to the safety and welfare of Arizona's children. In the past year, many Panel members actively participated in the Governor's Commission on Child Protective Services. The knowledge and expertise that Panel members have acquired by reviewing Child Protective Services' cases, policy and procedures, were utilized by the Commission in developing their recommendations now being considered for implementation by the Department of Economic Security, as well as the Arizona legislature.

During the past year, Child Protective Services developed and began implementation of a new safety assessment protocol, including a safety assessment tool and policy. The Panel believes that this protocol has improved the crisis intervention stage. The majority of records reviewed revealed appropriate investigation and in eight cases the Panel felt that the investigation was exemplary. The Panel was concerned, however, about the lack of timely and appropriate psychological and medical evaluations in some cases. There were also concerns that, in some cases, investigative interviews were not conducted with all household members and children were sometimes interviewed in the presence of their parent. It was the Panel's opinion that the quality of investigations and safety of the case managers could be improved if case managers had the ability to investigate cases as a team. The Panel also felt that use of multidisciplinary teams should be encouraged for chronic and difficult cases, in which there are numerous prior reports. While Panel members apply high standards to their assessment, members recognize that without sufficient resources it is extremely difficult for ADES/DCYF to meet their goals of protecting children.

State Citizen Review Panel

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Members:

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ADES/Administration for Children, Youth
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